

AMENDED IN SENATE APRIL 18, 2005

**SENATE BILL**

**No. 1095**

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**Introduced by Senator Chesbro**

February 22, 2005

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~~An act to amend Sections 13332.09, 14669, 19080.3, and 19836 of the Government Code, relating to the California Conservation Corps. An act to amend Section 19080.3 of the Government Code, and to add Section 14306.5 to the Public Resources Code, relating to the California Conservation Corps.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1095, as amended, Chesbro. California Conservation Corps: powers and duties.

Existing law establishes the California Conservation Corps and prescribes the functions and duties of the corps.

~~Existing law requires state agencies, with regard to contracts for the acquisition of motor vehicles or general mobile equipment for a state agency to be made by or under the supervision of the Department of General Services.~~

~~This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to make any necessary operational changes with respect to the procurement or management of its motor vehicle fleet, without prior approval from the Department of General Services.~~

~~Existing law authorizes the Director of General Services to hire, lease, lease-purchase, or lease with the option to purchase any real or personal property for the use of any state agency, including the Department of General Services, if he or she deems the hiring or leasing is in the best interests of the state.~~

~~This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to lease facilities required for program needs without the review or approval of the Office of Real Estate and Design in the Department of General Services or of the department.~~

Existing law provides that limited term appointments shall be made only for temporary staffing needs and shall not individually or consecutively exceed one year, but authorizes the State Personnel Board to permit limited term appointments of up to a total of 2 years *in* duration when a permanent appointment would be likely to cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need.

~~This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to make limited term appointments, for a term not to exceed 2 years, without the approval of the State Personnel Board.~~

~~Existing law authorizes the Department of Personnel Administration to allow payment at any step above the minimum salary limit to classes or positions in order to meet employment recruitment problems, to obtain a person who has extraordinary classifications, to correct salary inequities resulting from actions by the department or board, or to give credit for prior state service in connection with appointments, promotions, reinstatements, transfers, reallocations, or demotions.~~

~~This bill would authorize the Director of the California Conservation Corps, if he or she determines that exigent circumstances exist warranting prompt action, to appoint a person who possesses extraordinary qualifications to a position with the corps, at a salary range above the minimum salary for that position or class. provide that the State Personnel Board may authorize the Director of the California Conservation Corps to extend a limited term appointment for a term not to exceed 4 years if the director determines that the appointment is necessary to carry out program needs.~~

~~The bill would authorize the Director of the California Conservation Corps, in order to implement a contract that is subject to the approval of the Department of General Services, without the prior approval of the department, to appoint a person to a civil service class or position with the corps at a salary above the minimum~~

*for that class or position; make necessary operational changes with respect to procurement or management of the corps' motor vehicle fleet; or purchase or lease property, facilities, or equipment required to carry out program needs.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The California Conservation Corps functions as an  
4 entrepreneurial and incentive-based program, and should be  
5 afforded greater flexibility with respect to its authority to receive  
6 and expend funds, hire staff, manage its fleet, and enter into  
7 leases and agreements for facilities needed for corps purposes.

8 ~~(b) The California Conservation Corps should have the~~  
9 ~~authority to receive and expend funds for corps purposes without~~  
10 ~~cumbersome notification requirements imposed by the~~  
11 ~~Legislature and the Department of Finance.~~

12 ~~(c) The Director of the California Conservation Corps should~~  
13 ~~have the authority to hire, reclassify, transfer, reallocate~~  
14 ~~positions, or reassign staff without prior notification to the~~  
15 ~~Department of Finance or the State Personnel Board.~~

16 ~~(d)~~  
17 (b) The Director of the California Conservation Corps should  
18 have the authority to make ~~limited-term~~ *limited term*  
19 appointments, and appoint certain individuals who possess  
20 extraordinary qualifications to staff positions with the corps at  
21 salary ranges above the minimum salary range without the  
22 approval of the ~~State Personnel Board~~ *Department of Personnel*  
23 *Administration*.

24 ~~(e)~~  
25 (c) The California Conservation Corps should have the  
26 authority to lease facilities needed for corps' purposes without  
27 the approval of the Department of General Services Office of  
28 Real Estate and Design.

29 ~~(f)~~  
30 (d) The California Conservation Corps should have the  
31 authority to procure and manage its fleet without the review and

1 approval of the Department of General Services Office of Fleet  
2 Administration.

3 ~~SEC. 2. Section 13332.09 of the Government Code is~~  
4 ~~amended to read:~~

5 ~~13332.09. (a) No purchase order or other form of~~  
6 ~~documentation for acquisition or replacement of motor vehicles~~  
7 ~~shall be issued against any appropriation until the Department of~~  
8 ~~General Services has investigated and established the necessity~~  
9 ~~therefor.~~

10 ~~(b) A state agency may not acquire surplus mobile equipment~~  
11 ~~from any source for program support until the Department of~~  
12 ~~General Services has investigated and established the necessity~~  
13 ~~therefor.~~

14 ~~(c) Notwithstanding any other provision of law, all contracts~~  
15 ~~for the acquisition of motor vehicles or general use mobile~~  
16 ~~equipment for a state agency shall be made by or under the~~  
17 ~~supervision of the Department of General Services. Pursuant to~~  
18 ~~Section 10298 the Department of General Services may collect a~~  
19 ~~fee to offset the cost of the services provided.~~

20 ~~(d) All passenger-type motor vehicles purchased for state~~  
21 ~~officers and employees, except constitutional officers, shall be~~  
22 ~~American-made vehicles of the light class, as defined by the~~  
23 ~~State Board of Control, unless excepted by the Director of~~  
24 ~~General Services on the basis of unusual requirements, including,~~  
25 ~~but not limited to, use by the California Highway Patrol, that~~  
26 ~~would justify the need for a motor vehicle of a heavier class.~~

27 ~~(e) No general use mobile equipment having an original~~  
28 ~~purchase price of twenty-five thousand dollars (\$25,000) or more~~  
29 ~~shall be rented or leased from a nonstate source and payment~~  
30 ~~therefor made from any appropriation for the use of the~~  
31 ~~Department of Transportation, without the prior approval of the~~  
32 ~~Department of General Services after a determination that~~  
33 ~~comparable state-owned equipment is not available, unless~~  
34 ~~obtaining approval would endanger life or property, in which~~  
35 ~~case the transaction and the justification for not having sought~~  
36 ~~prior approval shall be reported immediately thereafter to the~~  
37 ~~Department of General Services.~~

38 ~~(f) Notwithstanding any other provision of law, the Director of~~  
39 ~~the California Conservation Corps may, if he or she determines~~  
40 ~~that exigent circumstances exist warranting prompt action, make~~

1 any necessary operational changes with respect to the  
2 procurement or management of its motor vehicle fleet, without  
3 prior approval from the Department of General Services.

4 (g) As used in this section:

5 (1) "General use mobile equipment" means equipment that is  
6 listed in the Mobile Equipment Inventory of the State Equipment  
7 Council and which is capable of being used by more than one  
8 state agency, and shall not be deemed to refer to equipment  
9 having a practical use limited to the controlling state agency  
10 only. Section 575 of the Vehicle Code shall have no application  
11 to this section.

12 (2) "State agency" means a state agency, as defined pursuant  
13 to Section 11000, and each campus of the California State  
14 University. The University of California is requested and  
15 encouraged to have the Department of General Services perform  
16 the tasks identified in this section with respect to the acquisition  
17 or replacement of motor vehicles by the University of California.

18 SEC. 3. Section 14669 of the Government Code is amended  
19 to read:

20 14669. (a) The director may hire, lease, lease-purchase, or  
21 lease with the option to purchase any real or personal property  
22 for the use of any state agency, including the Department of  
23 General Services, if he or she deems the hiring or leasing is in the  
24 best interests of the state.

25 (b) The director shall not enter into a lease-purchase  
26 agreement that involves office space, unless specifically  
27 authorized to do so by the Legislature. The director shall solicit  
28 written bids for any lease-purchase that involves office space in a  
29 newspaper of general circulation in the county in which the  
30 project is located. All bids received shall be publicly opened and  
31 the lease awarded to the lowest responsible bidder. If the director  
32 deems the acceptance of the lowest responsible bid is not in the  
33 best interest of the state, he or she may reject all bids.

34 (c) Notwithstanding Section 7550.5, by March 1st of each  
35 year, the director shall prepare a report listing all leases entered  
36 into in the prior calendar year with an option to purchase with  
37 another entity, public or private, that involve office space. The  
38 report shall be submitted to the Chairperson of the Joint  
39 Legislative Budget Committee and the chairperson of the

1 ~~committee of each house of the Legislature that considers~~  
2 ~~appropriations.~~

3 ~~(d) Notwithstanding any other provision of law, the Director~~  
4 ~~of the California Conservation Corps may, if he or she~~  
5 ~~determines that exigent circumstances exist warranting prompt~~  
6 ~~action, lease facilities required for program needs without the~~  
7 ~~review or approval of the Office of Real Estate and Design in the~~  
8 ~~Department of General Services or of the department.~~

9 ~~SEC. 4.~~

10 ~~SEC. 2.~~ Section 19080.3 of the Government Code is amended  
11 to read:

12 19080.3. (a) Limited term appointments shall be made only  
13 for temporary staffing needs and shall not individually or  
14 consecutively exceed one year, except that the board may  
15 authorize limited term appointments of up to a total of two years'  
16 duration when a permanent appointment would be likely to cause  
17 a layoff, demotion, or mandatory transfer requiring a change of  
18 residence upon the conclusion of the temporary staffing need.  
19 Limited term appointments may be extended within the time  
20 limits prescribed by this section without making an additional  
21 appointment.

22 ~~(b) Notwithstanding any other provision of law, the Director~~  
23 ~~of the California Conservation Corps may, if he or she~~  
24 ~~determines that exigent circumstances exist warranting prompt~~  
25 ~~action, make limited term appointments, for a term not to exceed~~  
26 ~~four years, without the approval of the State Personnel Board.~~

27 ~~(b) Notwithstanding any other provision of law, the board may~~  
28 ~~authorize the Director of the California Conservation Corps to~~  
29 ~~extend a limited term appointment for a term not to exceed four~~  
30 ~~years if the director determines that the appointment is necessary~~  
31 ~~to carry out program needs.~~

32 ~~SEC. 5.~~ Section 19836 of the Government Code is amended  
33 to read:

34 19836. (a) The department may authorize payment at any  
35 step above the minimum salary limit to classes or positions in  
36 order to meet recruiting problems, to obtain a person who has  
37 extraordinary qualifications, to correct salary inequities resulting  
38 from actions by the department or State Personnel Board, or to  
39 give credit for prior state service in connection with  
40 appointments, promotions, reinstatements, transfers,

1 reallocations, or demotions. Other salary adjustments within the  
2 salary range for the class may be made upon the application of  
3 the appointing power and with the approval of the director.  
4 Adjustments within the salary range authorized by this section  
5 may be either permanent or temporary and may be made  
6 retroactive to the date of application for this change.  
7 Notwithstanding any other provision of law, the Director of the  
8 California Conservation Corps may, if he or she determines that  
9 exigent circumstances exist warranting prompt action, appoint a  
10 person who possesses extraordinary qualifications to a position  
11 with the corps, at a salary above the minimum salary for that  
12 position or class.

13 (b) If the provisions of this section are in conflict with the  
14 provisions of a memorandum of understanding reached pursuant  
15 to Section 3517.5, the memorandum of understanding shall be  
16 controlling without further legislative action, except that if the  
17 provisions of a memorandum of understanding require the  
18 expenditure of funds, the provisions shall not become effective  
19 unless approved by the Legislature in the annual Budget Act.

20 SEC. 3. Section 14306.5 is added to the Public Resources  
21 Code, to read:

22 14306.5. Notwithstanding any other provision of law, in  
23 order to implement any contract that is subject to the approval of  
24 the Department of General Services, the director may do all of  
25 the following without the prior approval of the department:

26 (a) Appoint a person to a civil service class or position with  
27 the corps at a salary above the minimum salary for that class or  
28 position.

29 (b) Make necessary operational changes with respect to  
30 procurement or management of the corps' motor vehicle fleet.

31 (c) Purchase or lease property, facilities, or equipment  
32 required to carry out program needs.